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**Richard W. Worrall****FAX**

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<b>To:</b>	Christina Russell/ David Martin	<b>From:</b>	Richard W.Worrall
<b>Fax:</b>	703-872-9306 and 571-273-8300	<b>Pages:</b>	5 including this cover
<b>Phone:</b>		<b>Date:</b>	09-28-06
<b>Re:</b>	Status Inquiry/Courtesy Fax	<b>CC:</b>	
<b>X Urgent</b> <b>X For Review</b> <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

This is a courtesy fax being sent in parallel to a status inquiry sent via First Class Mail today. This fax transmission is being transmitted to both numbers noted above.

Please forward a copy of this fax transmission in it's entirety to both:

**Christina Russell**

**David Martin**

Thank you

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TRANSMITTAL  
FORM

(Do not use for all correspondence - see initial filing)

Total Number of Pages in This Submission

4

Application Number

10/766,633

Filing Date

January 27, 2004

First Named Inventor

Worrall, Richard

Art Unit

2937

Examiner Name

Christina Russell

Attorney Docket Number

N/A

## ENCLOSURES

(Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

Prosecution status Inquiry - mailed, faxed, and a stamped self-addressed return postcard

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	<i>Richard Worrall</i>		
Printed name	Richard Worrall		
Date	9-28-06	Reg. No.	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Richard Worrall</i>		
Typed or printed name	Richard Worrall	Date	9-28-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FILES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard Worrall et al.  
Application No. : 10/766,633  
Filed : January 27, 2004  
For : METHOD OF AUTOMATED MUSICAL INSTRUMENT  
FINGER FINDING

Examiner : Christina Russell  
Supervisor : David Martin  
Art Unit : 2837  
Date : September 28, 2006

Mail Stop Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATUS INQUIRY

Commissioner for Patents:

Applicants filed an amendment/response to an Official Action in the above-referenced application on January 23, 2006. Because a Notice of Allowance or subsequent Official Action in response to our filing has not yet been received, Applicants are submitting this status inquiry.

A first Official Action on this application was mailed to Applicants on August 24, 2005. Applicants sought a three month extension of time for response and mailed a check in the amount of \$510.00 to the USPTO on November 21, 2005, along with Petition for Extension of Time under 37 CFR 1.13(a) FY2005, to extend the response period to February 24, 2006. Applicants mailed a response to the Official Action, and a request for a Refund of payment for the third extension month, on January 23, 2006 (First Class mail). This communication was received by the USPTO on January 26, 2006, as evidenced by the return postcard stamped as received by the USPTO.

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On March 21, 2006, Co-Applicant/Co-Inventor Richard Worrall received a courtesy phone call from the Examiner (Ms. Christina Russell). The Examiner was not aware that Applicants had filed a response to the Official Action and inquired whether we planned to do so. Applicant told Examiner Russell that a response had been timely filed. Applicant agreed to fax a copy of the filing, a copy of the check for the extension of time, and a copy of the return postcard stamped by the USPTO as received, to Examiner Russell. The material was faxed on March 22, 2006, and an automatic return fax from the USPTO was faxed back to Applicant indicating that the fax was received. On April 3, 2006, Examiner Russell issued an interview summary of the March 21, 2006 phone call.

On April 26, 2006, Applicant Worrall again received a phone call from Examiner Russell informing Applicants that the amendment/response was not in the prosecution file. Applicant Worrall again faxed the same materials to the USPTO, to two different fax numbers<sup>1</sup>, as requested by Examiner Russell. Another auto-reply fax was received indicating that Applicant's fax was received on April 26, 2006.

Applicants have not had any further correspondence with Examiner Russell or the USPTO, and presume that the amendment/response of January 23, 2006 was received and is under review. However, because it has been eight months since the amendment/response was initially filed, and five months since the second copy was provided to Examiner Russell, and pursuant to MPEP §203.08, Applicants respectfully request (1) confirmation that the amendment/response was received by Examiner Russell, and (2) an update on the status of the patent application.

If the Examiner believes that a telephonic interview would hasten the prosecution of the present application, then she is invited to call the co-

<sup>1</sup> Fax number 703-872-9306 and 571-273-8300.

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inventor/co-assignee Richard Worrall, at 858-484-7736, to schedule a  
teleconference.

Applicants believe that no additional fees are due in connection with the  
present communication. However, if any fee is due, please deduct it from the  
refund owed (see Refund Request in filing of January 23, 2006) or notify  
Applicants of the deficiency.

Respectfully submitted,



for Richard Worrall and Robert Sharp